

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

In the Matter of

RAMBUS INCORPORATED,

a corporation.

Docket No. 9302

**COMPLAINT COUNSEL'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS AND THINGS  
ISSUED TO RESPONDENT RAMBUS INC.**

Pursuant to the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.37 (2001), Complaint Counsel hereby requests that Respondent Rambus Inc. (hereinafter "Rambus"), within twenty days of service of this request, produce all documents and other things, responsive to the following requests, within its possession, custody, or control, in accordance with the Definitions and Instructions set forth below. Objections shall be due within ten days of service.

**DEFINITIONS**

- A. The terms "the company" and "Rambus" mean Rambus Inc., its domestic and foreign parents, predecessors, successors, divisions, and wholly or partially owned subsidiaries, affiliates, partnerships, and joint ventures, and all directors, officers, employees, consultants, agents, and representatives of the foregoing. The terms "subsidiary," "affiliate," and "joint venture" refer to any person in which there is partial (25 percent or more) or total ownership or control by the company.
- B. The term "document" is defined as in Rule 3.34(b) of the FTC Rules of Practice for Adjudicative Proceedings, 16 C.F.R. § 3.34(b). The term "document" specifically includes all drafts and non-identical copies of responsive documents.
- C. The term "person" includes the company and means any natural person, corporate entity, partnership, association, joint venture, government entity, or trust.
- D. The phrase "relating to" means in whole or in part constituting, containing, concerning, discussing, describing, analyzing, identifying, stating, or in any way referring to.

- d. all documents listing, describing, or evaluating alternative technologies or features that might be used to perform the same functions as that technology, either in a synchronous or asynchronous system;
  - e. all documents relating to any patents or patent applications covering any alternative technologies or features that might be used to perform the same functions as that technology;
  - f. all documents describing how that feature operates or is used in JEDEC-compliant SDRAM;
  - g. documents sufficient to show how that feature operates or is used in Base RDRAM, Concurrent RDRAM, Direct RDRAM, and any other version of RDRAM;
  - h. all documents listing, describing, or evaluating how that feature is described in any patent description written or issued by or for Rambus and with a priority date prior to June 17, 1996;
  - i. all documents describing or referring to any patents or patent applications containing claims that relate to that technology or feature, any patent descriptions that would support such claims, or any proposed or potential patents or patent applications that might contain claims that relate to that technology or feature; and
  - j. all documents describing, reflecting, or referring to any meetings, conferences, or communications relating to any patents or patent applications containing claims that relate to that technology or feature, any patent descriptions that would support such claims, or any proposed or potential patents or patent applications that might contain claims that relate to that technology or feature.
36. All documents relating to the marketplace or commercial success or lack thereof of RDRAM, Base RDRAM, Concurrent RDRAM, Direct RDRAM, and any other generation or type of RDRAM, including:
- a. all documents relating to the reasons for the development of each generation of RDRAM;
  - b. all projections, forecasts, and analyses of the commercial success of each generation of RDRAM;
  - c. all comparisons or analyses of the commercial success of any generation of RDRAM against versus any other type or version of DRAM;
  - d. all projections, forecasts, and analyses of any actual or potential commercial use or application of any generation of RDRAM; and
  - e. all documents relating to the factors that might determine the commercial success of any generation of RDRAM.
37. All documents relating to:
- a. any analysis of DRAM supply, demand, or prices, or projections of DRAM

- supply, demand, or prices;
- b. any analysis of DRAM technology supply, demand, or prices or projections of DRAM technology supply, demand, or prices;
  - c. all projections, forecasts, and analyses of any actual or potential commercial use or application of any JEDEC-compliant DRAM; and
  - d. any analysis of the supply, demand, or prices or projections of supply, demand, or prices of any products or services that use DRAMs or DRAM technology.
38. All documents relating to the effect of Rambus royalty rates or license fees on the price, or commercial success, of SDRAM, DDR SDRAM, RDRAM, or any other DRAM.
  39. Documents sufficient to identify all products made, used, imported, or sold in the United States that contain or use technology that Rambus owns or claims to own.
  40. All documents relating to any analysis of conditions, participants in, potential entrants, the ease or difficulty of entrance into, or any other conditions of any DRAM-related or DRAM technology-related market or market segment.
  41. All documents relating to the Federal Trade Commission proceeding commenced in 1995 against Dell Computer Corporation, known as *In re Dell Computer Corporation*, or to the issues, arguments, or positions raised in that proceeding.
  42. All documents relating to any record retention or destruction programs, systems, policies, procedures, or activities of the company, including:
    - a. documents sufficient to identify the persons responsible for instituting, developing, managing, or overseeing any such programs, systems, policies, procedures, or activities at any time since the institution of each program, system, policy, procedure, and activity;
    - b. all documents relating to any descriptions of any such programs, systems, policies, procedures, or activities;
    - c. all documents relating to the oversight or administration of any such programs, systems, policies, procedures, or activities;
    - d. all documents relating to any instructions to employees regarding any such programs, systems, policies, procedures, or activities;
    - e. all documents relating to any special programs, systems, policies, procedures, or activities put into place as a result of litigation over Rambus patents or in anticipation of litigation over Rambus patents;
    - f. all documents listing, identifying, or otherwise describing any documents or other records actually destroyed pursuant to any document retention or document destruction policy;
    - g. all documents relating to how materials disposed of pursuant to any such document retention or document destruction policy were destroyed, when